

JONATHAN BERRY, )  
)  
Plaintiff, )  
)  
v. ) CASE NO. 1:18-CV-533-WKW  
) [WO]  
JUDGE LARRY K. ANDERSON, )  
)  
Defendant. )

On July 16, 2018, the Magistrate Judge filed a Recommendation to which no timely objections have been made. (Doc. # 7.) Upon an independent review of the record and upon consideration of the Recommendation, it is ORDERED that the Recommendation (Doc. # 7) is ADOPTED and that:

(2) Plaintiff's challenge to the constitutionality of his 2013 convictions and/or 2016 amended sentence imposed upon him by the Circuit Court for Houston County, Alabama, are DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this time; and

(3) This case is DISMISSED prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii).

Final judgment will be entered separately.

DONE this 22nd day of August, 2018.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE